

Remarks

Applicants acknowledge that the Examiner allowed claims 1-3, 5, 6, 9-11 and 14.

The Examiner maintained his rejection of claim 16 under 35 USC § 102 as being anticipated by Maclay. The Examiner further stated that Maclay does not appear to teach the presence of a common counter electrode and that a shared electrode system simplifies the sensor. To that end, the Examiner appears to be combining Maclay with either Nankai, Liu, or Lin, patents stated in the office action that relate to simplifying the sensor by reducing the number of electrodes, to arrive at Applicants' invention.

Applicants' independent claim 16 claims a single electrode that is both a counter electrode and a reference electrode. Claim 16 also claims a first sensing electrode and a second sensing electrode. There are thus a total of three electrodes claimed in Applicants' independent claim 16.

In contrast, Maclay specifically teaches two counter electrodes. Col.3, lines 15-40. Maclay makes no mention of reference electrodes and, therefore, does not and cannot teach or suggest a reference electrode being the same electrode as either of the counter electrodes where one electrode is both a counter and a reference electrode, as claimed by Applicants in independent claim 16. Because Maclay does not disclose all elements of Applicants independent claim 16, specifically an electrode being both a counter electrode and a reference electrode, Applicants traverse the Examiner's 35 USC § 102 rejection of independent claim 16 and consider independent claim 16 to be allowable.

Although no rejection under 35 USC § 103 is made, it appears the Examiner is making such a rejection upon a purported combination of Maclay with either Nankai, Liu, or Lin to arrive at a simplified sensor with a reduced number of electrodes. Applicants submit that independent claim 16 does not merely relate to a simplified sensor

with a reduced number of electrodes but, instead, claims an electrode that is both a counter and a reference electrode. Liu teaches away from Applicants' claimed electrode that is both a counter and a reference electrode because Liu requires a counter electrode and a separate reference electrode. See Abstract and col. 2, lines 50-61. Neither Nankai nor Lin teach or suggest one electrode being both a counter and a reference electrode. Accordingly, no combination of Maclay and any of Nankai, Liu, or Lin teaches or suggests a simplified sensor where one electrode is both a counter and a reference electrode, as claimed in Applicants' independent claim 16, and thus a 35 U.S.C. § 103(a) rejection is also traversed.

Respectfully submitted,



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